UNITED STATES DISTRICT COURT

FILED

SOUTHERN DISTRICT OF CALIFORNIA

APR 30 PM 2:22

CLERK, U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

ARREST ON OUT-OF-DISTRICT OFFENSE

DEPUTY

Magistrate Case Number: '08 MJ 1360

The person charged as Jorge Alan Rodriguez Sanchez now appears before this United States District Court for an initial appearance as a result of the following charges having been filed in the United States District Court for the Eastern District of Pennsylvania with conspiracy, illegal distribution of controlled substances, and introduction into interstate commerce of controlled and non-controlled drugs dispensed without a prescription, in violation of Title 21, United States Code, Sections 846, 841(a)(1), 331(a), and 333(a)(2).

The charging documents and the warrant of the arrest of the defendant which was issued by the above United States District Court are attached hereto.

I hereby swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

DATED: 4/30/08.

Jason Huff
Special Agent
Federal Bureau of Investigation

Reviewed and Approved:

Dated: 4/30/08.

Assistant United States Attorney

CRIMINAL COMPLAINT

United States District Court	DISTRICT Eastern District of Pennsylvania
UNITED STATES OF AMERICA v. Misael Rodriguez Sanchez Jorge Alan Rodriguez Sanchez	DOCKET NO. MAGISTRATE'S CASE NO. 08-554

Complaint for violation of Title 21 United States Code §§ 841(a)(1), 846, 331(a) & 333(a)(2)

NAME OF JUDGE OR MAGISTRATE	OFFICIAL TITLE	LOCATION
Honorable PETER B. SCUDERI	U.S. Magistrate Judge	Philadelphia, PA

DATE OF OFFENSE	PLACE OF OFFENSE	ADDRESS OF ACCUSED (if known)
April 2006 and July 2007	Philadelphia, PA	

COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION:

From at least April 2006 to April 2008, Misael Rodriguez Sanchez and Jorge Alan Rodriguez Sanchez distributed controlled substances and other prescription medications to customers within the Eastern District of Pennsylvania, and elsewhere, without prescriptions, in violation of 21 U.S.C. §§ 841(a)(1), 846, 331(a) and 333(a)(2).

A TRUE COPY CERTIFIED TO FROM THE RECORD
DATED: 4-28-08
ATTEST: [signature]
DEPUTY CLERK, UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED:

SEE AFFIDAVIT ATTACHED HERETO.

MATERIAL WITNESSES IN RELATION AGAINST THE ACCUSED:

Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.	SIGNATURE OF COMPLAINANT (official title) Jason Huff [signature] OFFICIAL TITLE Special Agent, FBI

Sworn to before me and subscribed in my presence.

SIGNATURE OF MAGISTRATE (1)	DATE
[signature] Honorable PETER B. SCUDERI, United States Magistrate Judge	4/28/08

1) See Federal Rules of Criminal Procedure rules 3 and 54.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA
v.
Misael Rodriguez Sanchez

WARRANT FOR ARREST

CASE NUMBER: 08-554-M-1

To: The United States Marshal and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest Misael Rodriguez Sanchez

and bring him or her forthwith to the nearest magistrate judge to answer a(n)
complaint
charging him with (brief description of offense)
From at least April 2006 to April 2008, Misael Rodriguez Sanchez and Jorge Alan Rodriguez Sanchez distributed controlled substances and other prescription medications to customers within the Eastern District of Pennsylvania, and elsewhere, without prescriptions, in violation of 21 U.S.C. §§ 841(a)(1), 846, 331(a) and 333(a)(2).

In violation of Title 21 United States Code, Section(s) 841(a)(1), 846, 331(a) & 333(a)(2)

Honorable PETER B. SCUDERI	United States Magistrate Judge
Name of Issuing Officer	Title of Issuing Officer
[signature]	Philadelphia, PA
Signature of Issuing Officer	Date and Location

Bail fixed at $ ______________ by ______________
Name of Judicial Officer

RETURN

This warrant was received and executed with the arrest of the above-named defendant at

____

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST	Jason Huff Special Agent, FBI	

F. Costello Authorizing

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA
v.
Jorge Alan Rodriguez Sanchez

WARRANT FOR ARREST

CASE NUMBER: 08-554-M-2

To: The United States Marshal and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest Jorge Alan Rodriguez Sanchez

and bring him or her forthwith to the nearest magistrate judge to answer a(n)
complaint
charging him with (brief description of offense)
From at least April 2006 to April 2008, Misael Rodriguez Sanchez and Jorge Alan Rodriguez Sanchez distributed controlled substances and other prescription medications to customers within the Eastern District of Pennsylvania, and elsewhere, without prescriptions, in violation of 21 U.S.C. §§ 841(a)(1), 846, 331(a) and 333(a)(2).

In violation of Title 21 United States Code, Section(s) 841(a)(1), 846, 331(a) & 333(a)(2)

Honorable PETER B. SCUDERI
Name of Issuing Officer

United States Magistrate Judge
Title of Issuing Officer

[signature]
Signature of Issuing Officer

Philadelphia, PA
Date and Location

Bail fixed at $ ____________ by ____________
Name of Judicial Officer

RETURN		
This warrant was received and executed with the arrest of the above-named defendant at		
DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER Jason Huff Special Agent, FBI	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

(F. Costello Authorizing)

AFFIDAVIT IN SUPPORT OF ARREST WARRANT

I. INTRODUCTION

1. I, Jason Huff, being duly sworn, depose and state as follows:

2. I have been employed as an FBI Special Agent for approximately five and one half years, and am currently assigned to the Philadelphia Field Office. During the past four years I have conducted numerous investigations involving healthcare fraud and internet pharmacy fraud.

3. I submit this affidavit in support of an arrest warrant for MISAEL RODRIGUEZ SANCHEZ and JORGE ALAN RODRIGUEZ SANCHEZ.

4. This affidavit is based on an investigation conducted by myself as well as Federal Bureau of Investigation (FBI) Special Agents (SAs) Ronald D. Manning, William R. Wickman, Matthew F. Giacobbi, Adam Pranter, Mark Kolenda and Immigration and Customs Enforcement (ICE) SA John Arruda.

5. Based upon the information set forth below, there is probable cause to believe that MISAEL RODRIGUEZ SANCHEZ and JORGE ALAN RODRIGUEZ SANCHEZ, as well as others known and unknown to the grand jury, are using the email address pharmavet@hotmail.com to distribute controlled substances and other prescription medications to customers within the United States, without prescriptions, in violation of 21 U.S.C. §§ 841 (a)(1) (illegal distribution of controlled substances), 846 (conspiracy), 842(a)(1) (dispensing controlled substances without prescriptions), 952 (importation of controlled substances), 963 (conspiracy to import controlled substances),

and 331(a) & 333(a)(2)(introduction into interstate commerce of prescription drugs - controlled and non-controlled - dispensed without prescriptions).

6. As set forth in more detail below, the following facts are submitted in support of probable cause:

a. Between April 2006 and July 2007, FBI agents made four undercover purchases of controlled substances from individuals using the email address pharmavet@hotmail.com, without a prescription or face-to-face examination by a doctor.

b. To pay for the purchases, the agents were directed to send the money via Western Union to Mexico. For three of the transactions, they were directed to send it to MISAEL RODRIGUEZ SANCHEZ. One time, MISAEL RODRIGUEZ SANCHEZ provided a birth date of September 26, 1981, and an address of "Carlos 55," to Western Union when he picked up the money. SANCHEZ provided the same birthdate in 2001 on an application for a visa.

c. In May 2006, as a result of the execution of a federal search warrant for all emails pertaining to the email account pharmavet@hotmail.com, the agents obtained more than 400 emails that pertained to the distribution of controlled substances without a prescription. These emails showed that for many of the purchases, the customers were directed to send the money to MISAEL RODRIGUEZ SANCHEZ.

d. JORGE ALAN RODRIGUEZ SANCHEZ, the brother of MISAEL, sent and received emails in 2002 using the pharmavet@hotmail.com email address in furtherance of the distribution of controlled substances. In 2007, he used the same email address in connection with a drug transaction.

e. Between March 1 and March 11, 2008, someone logged onto the pharmavet@hotmail.com email account from an internet connection terminating at the apartment almost directly above the apartment of JORGE ALAN RODRIGUEZ SANCHEZ in Chula Vista, California. SANCHEZ has resided there since February 2008 and does not have internet access with Cox Communications at this location. On March 27, 2008, Investigating agents determined that there were four open wireless internet connections in the vicinity of SANCHEZ's apartment that someone could use to access the pharmavet@hotmail.com email account.

f. On March 26, 2008, JORGE ALAN RODRIGUEZ SANCHEZ crossed into the United States from Mexico. On March 27, 2008, SA Mark Kolenda observed the vehicle he was driving when he entered the U. S. parked in front of the apartment complex at 1390 Santa Alicia Avenue, Chula Vista, CA 91913.

g. On April 8 and 9, 2008, the email account pharmavet@hotmail.com was used to discuss the sale of a controlled substance.

7. Any person who stores, handles, distributes, or imports controlled substances must be

licensed by the Drug Enforcement Administration (DEA). Neither Pharmavet@hotmail.com, JORGE ALAN RODRIGUEZ SANCHEZ, nor MISAEL RODRIGUEZ SANCHEZ are licensed by the DEA to store, handle, distribute, or import controlled substances.

8. The activities described in this affidavit violate the following federal criminal laws:

- 21 U.S.C. § 841 (a)(1) (illegal distribution of controlled substances)
- 21 U.S.C. § 846 (conspiracy)
- 21 U.S.C. § 842(a)(1) (dispensing controlled substances without prescriptions)
- 21 U.S.C. § 952 (importation of controlled substances)
- 21 U.S.C. § 963 (conspiracy to import controlled substances)
- 21 U.S.C. §§ 331(a) & 333(a)(2)(introduction into interstate commerce of prescription drugs - controlled and non-controlled - dispensed without prescriptions)

9. Section 812 of Title 21, United States Code, establishes schedules of controlled substances for drugs which present a potential for abuse and a likelihood that abuse of the drug could lead to physical or psychological dependence on that drug. Such controlled substances are listed in Schedules I through V depending on the level of potential for abuse, the current medical use, and the level of possible physical dependence. These drugs are regulated as controlled substances because they are dangerous. There are other drugs which are available only by prescription but are not classified as controlled substances.

10. Controlled substances may only be dispensed or distributed by those persons who are registered with the Attorney General to do so (with some exceptions, such as delivery

persons). 21 U.S.C. § 822. Controlled substances may only be dispensed pursuant to a valid prescription. 21 U.S.C. §§ 353, 829.

11. 21 CFR § 1306.4 provides that a "prescription for a controlled substance to be effective must be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice. The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription. An order purporting to be a prescription issued not in the usual course of professional treatment . . . is not [a lawful prescription] and the person knowingly filling such a purported prescription, as well as the person issuing it, shall be subject to the penalties provided for violations of the provisions of law relating to controlled substances."

12. The DEA has published a website with comments about the regulation of the dispensation of controlled substances. The website states that acting within the course of professional practice "includes having an established doctor-patient relationship based upon a medical history, a physical exam and diagnosis. There must be a logical connection between the medical diagnosis and the controlled substance prescribed. A prescription written based solely upon an on-line questionnaire does not meet these requirements. It is not a valid prescription and the distribution of any controlled substance pursuant to an invalid prescription is illegal." This has been set out at "Records Comments About On-Line Pharmacies" and can be found on the Internet at http://www.dea.gov/pubs/pressrel/diversion_actualities_transcript.html.

13. The DEA has published a guide on Dispensing and Purchasing Controlled Substances

over the Internet. This document can be found at the internet site www.deadiversion.usdoj.gov/fed_regs/notices/2001/fr0427.htm. In this document, the DEA lists the following four indicators of a legitimate doctor/patient relationship:

I. A patient has a medical complaint.

II. A medical history has been taken.

III. A physical examination has been performed.

IV. Some logical connection exists between the medical complaint, the medical history, the physical examination, and the drug prescribed.

14. In the document mentioned in Paragraph 12, the DEA also states that "Completing a questionnaire that is then reviewed by a doctor hired by the Internet pharmacy could not be considered the basis for a doctor/patient relationship."

15. The American Medical Association (AMA) has provided guidance for physicians on internet prescribing. The AMA states that physicians who prescribe medications via the Internet "shall establish, or have established, a valid patient-physician relationship, including, but not limited to, the following components. The physician shall: i. obtain a reliable medical history and perform a physical examination of the patient, adequate to establish the diagnosis for which the drug is being prescribed and to identify underlying conditions and/or contraindications to the treatment recommended/provided; ii. have sufficient dialogue with the patient regarding treatment options and the risks and benefits of treatment(s); iii. as appropriate, follow up with the patient to assess the therapeutic outcome; iv. maintain a contemporaneous medical record that is readily available to the patient and, subject to the patient's consent, to his or her other health care professionals;

and v. include the electronic prescription information as part of the patient medical record." This document can be found at Internet site "http://www.ama-assn.org/ama1/upload/mm/annual03/bot7a03.rtf"

16. At this time, DEA regulations do not recognize electronic transmission of prescriptions from prescribers to pharmacies by the internet. If a pharmacy receives prescription information for a schedule III-V prescription via the internet, the pharmacy must contact the prescriber via telephone and receive an oral prescription for the controlled substance, including the full name and address of the patient, the drug name, strength, dosage form, quantity prescribed, directions for use and the name, address and registration number of the practitioner (21 CFR 1306.05(A)). The guidance document "Dispensing and Purchasing Controlled Substances Over the Internet" (DEA-191N) was published in the Federal Register on Friday, April 27, 2001 (66 FR 21181). A copy of this guidance document is available at the Office of Diversion Control website: http://www.deadiversion.usdoj.gov.

17. Unless otherwise specified herein, the term "Pharmavet" refers to the e-mail address Pharmavet@hotmail.com and its operators.

II. OVERVIEW OF CRIMINAL ACTIVITY

18. To order controlled substances from the organization that is the subject of the investigation outlined in this affidavit:

a. A customer must send a message to the email address pharmavet@hotmail.com.

b. Once the parties agree to the terms of the transaction, the customer wires the money to Pharmavet via Western Union (WU), and emails Pharmavet the WU Money Transaction Control Number (MTCN).

c. Pharmavet picks up the money at a WU location in Mexico, then ships or mails the customer the drugs from Southern California.

d. Pharmavet neither requires nor requests any type of prescriptions from their customers.

e. No one connected with the business is licensed by the DEA to store, distribute or import controlled substances.

19. Pharmavet also fills bulk orders for controlled and non-controlled pharmaceutical drugs from various individuals, typically steroid dealers and internet pharmacy website owners operating within the United States.

20. Pharmavet obtains these drugs in Mexico, smuggles the drugs into and ships the drugs from Southern California.

21. A principal means of communication among the participants and customers in this organization is the email account pharmavet@hotmail.com.

A. Undercover Drug Purchase Number One - Percocet - March 2006

22. On April 3, 2006, using an undercover identity and the email address jayson_henry@yahoo.com, SA Huff emailed pharmavet@hotmail.com, asking if drugs could be purchased from the owner of that email address. SA Huff had previously

identified this email address by browsing the internet in an effort to purchase prescription drugs.

23. SA Huff communicated via email with the owner of pharmavet@hotmail.com for a few days, and on April 5, 2006, Pharmavet agreed to sell SA Huff 50 tablets of 10 MG Percocet for $402.50. SA Huff gave Pharmavet the address of an undercover mailbox at 2000 Hamilton Street #703, Philadelphia, Pennsylvania.

24. On April 06, 2006, SA Huff sent, via Western Union, $403.00 to MISAEL RODRIGUEZ SANCHEZ in Mexico, as directed by Pharmavet.

25. On April 12, 2006, Pharmavet emailed to SA Huff a United Parcel Service (UPS) tracking number of 1z9363161273678862. SA Huff then logged onto the website www.ups.com and entered this tracking number. This revealed that the package was sent from Chula Vista, California and delivered on April 14, 2006, at 11:19 AM.

26. On April 17, 2006, SA Huff checked the undercover mailbox listed above and obtained a gray UPS envelope from within the mailbox. The envelope was approximately 9 inches by 8 inches and was addressed to Jason Henry. Printed on the front of the envelope was the UPS tracking number listed above. The following return address was listed on the envelope:

ANGELICA ACEVEDO 619-428-0302
(619) 425-6533
THE UPS STORE #1657
STE A
627 H ST

CHULA VISTA CA 91910-4200

27. Inside the package was a ziplock bag containing 50 Endocet 10 MG tablets. Endocet is a generic form of Percocet. Endocet and Percocet are Schedule II controlled substances. A subsequent test of the tablets conducted by a DEA Laboratory indicated that the pills contained approximately 10 MG of oxycondone, the active ingredient in Percocet and Endocet.

B. Undercover Drug Purchase Number Two - Oxycontin - April 2006

28. On April 24, 2006, using an undercover identity and the email address jayson_henry@yahoo.com, SA Huff emailed pharmavet@hotmail.com asking if the owner of that account (Pharmavet) would sell Oxycontin.

29. SA Huff negotiated with Pharmavet for several days, after which Pharmavet agreed to sell SA Huff 25 tablets of 80 MG Oxycontin for $1,275. SA Huff gave Pharmavet the address of an undercover mailbox at 2000 Hamilton Street #703, Philadelphia, Pennsylvania. Pharmavet directed SA Huff to send the money to MISAEL RODRIGUEZ SANCHEZ in Tijuana, Mexico, via Western Union.

30. On May 03, 2006, SA Huff sent $1,275 to "SANCHEZ" via Western Union. The Western Union charge for this transaction was $51.00, bringing the total to $1,326.00.

31. On May 06, 2006, Pharmavet sent SA Huff an email containing the UPS tracking number for the package. The tracking number was 1z9363160374602510.

32. On May 10, 2006, SA Huff checked the UPS website and discovered that there was a

problem with the package. SA Huff called UPS and discovered that the undercover box number 703 had been left off of the shipping address. SA Huff requested to have the package held at a UPS location to be picked up.

33. On May 11, 2006, SA Huff went to the UPS pickup location at 15 East Oregon Avenue, Philadelphia, Pennsylvania, and picked up the package that had ben addressed and delivered to the undercover mailbox. The following return address was listed on the envelope:

ANGELICA ACEVEDO 619-428-0302
(619) 425-6533
THE UPS STORE #1657
STE A
627 H ST
CHULA VISTA CA 91910-4200

34. Inside the package was a ziplock bag containing what appeared to be 25 green Oxycontin 80 MG tablets. On one side of the pills were the letters "ABG" and on the other side was the number "80." The drugs were forwarded to the DEA Laboratory for identification and analysis and ultimately tested positive for oxycodone, a Schedule II controlled substance.

C. Undercover Drug Purchase Number Three - Oxycontin - February 2007

35. On February 16, 2007, using the undercover identity and the email address jayson_henry@yahoo.com, SA Huff emailed pharmavet@hotmail.com asking if the operator of that account (Pharmavet) would sell SA Huff drugs.

36. Pharmavet negotiated with SA Huff for several days, after which Pharmavet agreed

to sell SA Huff 30 tablets of 80 MG Oxycontin for $1500. SA Huff gave to Pharmavet the address of an undercover mailbox at 2000 Hamilton Street #703, Philadelphia, Pennsylvania. Pharmavet directed SA Huff to send the money to MISAEL RODRIGUEZ SANCHEZ in Tijuana, Mexico, via Western Union. On February 23, 2007, SA Huff sent $1,500 to "SANCHEZ" via Western Union. The Western Union charge for this transaction was $75.00, bringing the total to $1,575.00.

37. On February 28, 2007, Pharmavet sent SA Huff an email containing the United Parcel Service (UPS) tracking number for the package. The tracking number was 1z83x8251349454364.

38. On March 1, 2007, SA Huff checked the mailbox located at 2000 Hamilton Street, and retrieved a medium size UPS envelope addressed to Jason Henry, #703, 2000 Hamilton Street, Philadelphia, PA 19130. The return address on the package was Mr. Mail, (619) 690-4410, 551 East San Ysidro Blvd., San Ysidro, CA 92173.

39. Inside the package was a small white envelope inside of a small yellow envelope. Inside the yellow envelope was a ziplock bag containing what appeared to be 30 green Oxycontin 80 MG tablets. On one side of the pills were the letters "OC" and on the other side was the number "80." The drugs were forwarded to the DEA Laboratory for identification and analysis and found to be oxycodone.

40. From the Western Union records, SA Huff knows that an individual presenting himself as MISAEL RODRIGUEZ SANCHEZ and giving a birth date of September 26,

1981, and an address of "Carlos 55," picked up the money SA Huff sent to purchase the Oxycontin.

D. Undercover Drug Purchase Number Four-Ritalin-July 2007

41. On July 25, 2007, acting in the capacity of an online covert customer, SA Huff emailed pharmavet@hotmail.com asking if the operator of that account (Pharmavet) would sell Ritalin or Adderall. Shortly thereafter, Pharmavet responded that they had Ritalin 10mg.

42. Pharmavet and SA Huff corresponded for several days, after which Pharmavet agreed to sell SA Huff 120 tablets of 10 MG Ritalin for $207. SA Huff gave the address of an undercover mailbox at 2000 Hamilton Street #703, Philadelphia, Pennsylvania. Pharmavet directed SA Huff to send the money to ROBERTO FERMIN PEREZ VALDIVIA in Tijuana, Mexico via Western Union (WU).

43. On August 2, 2007, SA Matthew F. Giacobbi, using an undercover identity, sent $216.75 via Western Union to ROBERTO FERMIN PEREZ VALDIVIA in Tijuana, Mexico. The Western Union charge for this transaction was $10.84 bringing the total to $227.59. SA Giacobbi then logged into the undercover email account and sent Pharmavet an email stating that the money had been sent. Shortly thereafter, Pharmavet replied to the email requesting that the WU receiver be changed to RAFAEL LABRADA LOPEZ.

44. On August 6, 2007, SA Giacobbi returned to the WU location and changed the name.

SA Giacobbi then sent an email to Pharmavet stating that the name had been changed.

45. On August 14, 2007, Pharmavet sent an email to the undercover email address stating "I will send you 2 order because we are out of stock you can pay me in the next order." The email also contained the following two DHL tracking numbers:

22951392155 and 22974117250.

46. On August 27, 2007, SA Huff checked the mailbox located at 2000 Hamilton Street, and retrieved two medium size envelopes addressed to the undercover identity used to make this order. The return address on both packages was Mr. Mail, Package Shipper, 551 East San Ysidro Blvd., San Ysidro, CA 92173, US. One envelope was orange, and the other was white.

47. Inside the white envelope was a tightly wrapped orange paper envelope with the number 22 written on the outside in black pen. Inside the paper envelope were 120 white tablets contained in 12 blister packages. The following text was on the outside of the blister packs:

> "Novartis Ritalin Metilfenidato Comprimidos,10 mg Oral, Reg. No. 44836 SSA II, Marca registrada,6016150-02"

48. Inside the orange envelope was a tightly wrapped orange paper envelope with the number 10 written on the outside in black pen. Inside the paper envelope were 120 white tablets contained in 12 blister packages. The following text was on the outside of the blister packs:

"Novartis Ritalin Metilfenidato Comprimidos,10 mg, Oral, Reg. No. 44836 SSA II Marca registrada, 6016150-02"

49. The drugs were forwarded to the DEA Laboratory for identification and determined to be methylphenidate, a schedule II controlled substance.

50. At no time did Pharmavet request or demand a prescription for any of the controlled substances distributed to SA Huff, and SA Huff never sent a prescription to Pharmavet authorizing the distribution of any controlled substance. In addition, SA Huff never consulted with a doctor regarding obtaining a controlled substance, and Pharmavet never asked whether SA Huff had consulted a doctor.

III. SEARCH WARRANT for Email Account - May 2006

51. On May 02, 2006, SA Huff swore to a search warrant before the Honorable Timothy R. Rice, United States Magistrate Judge, in the Eastern District of Pennsylvania. The search warrant ordered Microsoft Corporation, 1065 La Avenida, Mountain View, California, to provide the FBI with an exact copy of all email messages belonging to the email address pharmavet@hotmail.com.

52. On May 08, 2006, SA Huff received a disk from Microsoft Corp. The disk contained all emails that were stored on Hotmail servers that belonged to the email address pharmavet@hotmail.com. More specifically, this disk contained the contents of Pharmavet@hotmail.com's inbox folder, drafts folder, deleted items folder, sent items folder, and outbox folder at the time the copy was made by Microsoft personnel. The disk did not contain a copy of all emails ever sent by Pharmavet, and any emails that

Pharmavet had cleared out of the deleted items box before the copy was made would not be contained on this disk. The disk contained over 400 email messages which had been sent/received between May 23, 2002 and 2006.

53. Based upon tracking numbers from emails pertaining to drug orders, the investigating agents identified approximately 185 shipments of prescription drugs sent via the shipper DHL between October 2005 and May 2007. For all 185 shipments, the reference field on the DHL Airbill stated "(PCS) RODRIGUEZ, and the shipment was sent from the Mr. Mail package store located at 511 East San Ysidro, San Diego, CA 92173.

54. The following represents a summary of the drugs ordered in the emails that were contained on the disk provided by Microsoft:

Schedule II (3241 tablets)

218 tablets of OxyContin (unknown mg), a schedule II drug

30 tablets of 20 mg OxyContin, a schedule II drug

597 tablets of 40 mg OxyContin, a schedule II drug

476 tablets of 80 mg OxyContin, a schedule II drug

1860 tablets of 10 mg Ritalin, a schedule II drug

30 tablets of 10 mg Oxycondone, a schedule II drug

30 tablets of Codeine, a schedule II drug

Schedule III (3495 tablets)

120 tablets of Codeine #3, a schedule III drug

1970 tablets of Vicodin, a schedule III drug

1405 tablets of 10 mg Hydrocodone, a schedule III drug

Schedule IV (3440 tablets)

2800 tablets of Valium, a schedule IV drug

640 tablets of Xanax, a schedule IV drug

Non-Controlled (650 tablets)

600 tablets of Soma, a non-controlled prescription drug

50 tablets of Viagra, a non-controlled prescription drug

Total – 10,826 pills

55. SA Huff's review of the emails seized by search warrant reveals that at no time did any of the operators or users of the email address Pharmavet@hotmail.com require, request or demand a prescription for any of the controlled substances distributed to its customers, nor was any prescription attached to any email ordering controlled substances.

IV. EVIDENCE THAT MISAEL RODRIGUEZ SANCHEZ AND JORGE ALAN RODRIGUEZ SANCHEZ USE AND OPERATE THE E-MAIL ACCOUNT PHARMAVET@HOTMAIL.COM

A. Misael Rodriguez Sanchez

56. From his review of the emails obtained by search warrant, SA Huff knows that MISAEL RODRIGUEZ SANCHEZ was the primary person designated to pick up

money from Western Union from the sale of controlled substances. Based upon the emails and the records obtained from Western Union, SA Huff has determined that from January 2002 to July 2007, MISAEL RODRIGUEZ SANCHEZ made numerous pick ups of money from Western Union. This money was sent as payment for drug orders sent to pharmavet@hotmail.com email address. The customers also sent Money Transfer Control Numbers to the same address. For many of the pick ups by MISAEL RODRIGUEZ SANCHEZ, he supplied his birth date as September 26, 1981.

57. The United States Department of State, Bureau of Consular Affairs maintains a record titled NIV Applicant Detail, which is a record of an application for visa for MISAEL RODRIGUEZ SANCHEZ. This application, which was approved on October 19, 2001, shows his date of birth as September 26, 1981, and place of birth as Baja California Norte (BC).

58. According to department of motor vehicle information in Tijuana, Mexico, the Mexican driver's license application of MISAEL RODRIGUEZ SANCHEZ listed his father's name as "Jorge Rodriguez," with an address as "San Carlos" and his father's phone number as "681-4819." The Mexican driver's license application of JORGE ALAN RODRIGUEZ SANCHEZ listed his father's name as "Jorge Rodriguez Romero," with an address of "Avenida San Carlos 55 La Mesa, Tijuana, B.C". and his phone number as "681-4819."

B. Jorge Alan Rodriguez Sanchez

59. On June 21, 2002, customer James Graham sent an email to Pharmavet@hotmail.com in which he informed Pharmavet that he had sent money by Western Union to JORGE ALAN RODRIGUEZ SANCHEZ.

60. On September 2, 2002, customer Mike Bradley sent an email to Pharmavet@hotmail.com to the attention of Mr. Alan Rodriguez explaining that he needed vicodin or hydrocodeine.

61. On December 22, 2002, Pharmavet@hotmail.com sent an email to EliteFitness.com proposing to act as a supplier of anabolic steroids. The email was from "alan r."

62. On July 11, 2002, customer "test osteron" requested a list of "anabolics" sold by Pharmavet@hotmail.com. Pharmavet responded with a Microsoft word document listing prices for anabolic steroids. The originator of a Microsoft word document may be ascertained by right-clicking on the document and selecting the "properties" item on the drop-down menu. The author of the attachment to the email sent by Pharmavet to "test osteron" was shown as "Alan Rodriguez."

63. On April 14, 2007, pharmavet sent an email to itself with an attachment advertising a mixed martial arts match on May 12, 2007, in Tijuana, Mexico. The promoter of the mixed martial arts match was listed as JORGE ALAN RODRIGUEZ SANCHEZ. The advertisement was on letterhead containing a logo "UCM Ultimate Challenge Mexico" surrounded by flames. The business address was listed as Calle David Alfaro Siqueiros #2987 Sona Rio Tijuana, B.C. Tel: 216 4752 (619) 410 6571,

dm9721@gmail.com, www.ucmax.com.

64. On April 16, 2007, an email from "jorge rodriguez bigaljars@hotmail.com" was sent to "rllamasm@casasdeo.com" with the same flyer and business address as listed in the paragraph above. It also contained the same logo depicting UCM Ultimate Challenge Mexico surrounded by flames. The email was sent "cc" to pharmvet@hotmail.com.

65. On April 19, 2007, an email from Miguel Baruch baruch@agenciastaff.com was sent to Phamavet@hotmail.com containing an attachment with a logo "H7" and an email "Respond to me with the event dates and a "jpg" [file] of the logo."

66. On April 19, 2007, an email from jorgegomez2004@hotmail.com was sent to pharmavet@hotmail.com. Attached was an advertisement for a mixed martial arts event in the Auditorium in Tijuana. The advertisement contains the UCM Ultimate Challenge Mexico logo with flames surrounding it. On April 21, 2007, Pharmavet@hotmail.com replied to that email with "saludos."

67. On May 8, 2007, Pharmavet@hotmail.com sent an email to jorge.gomez@yahoo.com with an attachment. The attachment was an advertisement for a mixed martial arts event on May 12. The advertisement displays the "H7" logo as well as the UCM Ultimate Challenge Mexico logo surrounded by flames.

68. On May 14, 2007, a customer ordered Vicodin and oxycodone from someone using the pharmavet@hotmail.com email address. After exchanging emails concerning the details of the transaction, in which the person using the pharmavet email address

agreed to expedite the shipping of the drug order, the customer replied by email, "Thanks Papa, you're the best!!! How did you do with the MMA [mixed martial arts] fight? Did you do alright? Let me know." The person using the Pharmavet@hotmail.com email address answered, "all ok, I am the promotor to.in jul 28 I will make the mexico Vs USA MMA." The website www.cdn.sherdog.com lists the results of the Ultimate Challenge Mexico Event that was held on July 28, 2007 in Tijuana Mexico. Many of the fighters are also listed as fighters on the official Ultimate Challenge Mexico Website (ucmmma.com). The website Ucmmma.com contains the same Ultimate Challenge Mexico logo surrounded by flames as described above - the same logo that was found on the envelope in the possession of Jorge Alan Rodriguez Sanchez when he crossed the border from Mexico into the United States on February 26, 2008.

69. On February 26, 2008, JORGE ALAN RODRIGUEZ SANCHEZ was stopped by border patrol officers at the border between Tijuana, Mexico and the United States. In his possession was a Permanent Resident Card showing a date of birth of July 31, 1975. Also in his possession was a rental receipt for the Municipal Auditorium in Tijuana, Mexico, dated September 29, 2007. Ultimate Challenge Mexico sponsored a mixed martial arts competition at the Municipal Auditorium in Tijuana on September 29, 2007. Also found in his possession during the stop was an envelope containing the logo for UCM Ultimate Challenge Mexico described above and the address Calle

David Alfaro Siqueiros #2987 Sona Rio Tijuana, B.C. Tel: 216 4752 (619) 410 6571, dm9721@gmail.com, www.ucmax.com.

V. EVIDENCE THAT JORGE ALAN RODRIGUEZ SANCHEZ IS USING THE EMAIL ADDRESS PAHRMAVET@HOTMAIL.COM FROM CHULA VISTA CALIFORNIA.

70. At the time of the border crossing on February 26, 2008, as stated in paragraph 67, JORGE ALAN RODRIGUEZ SANCHEZ was driving in a Red 2003 Chevrolet Truck bearing California license plate 7D13363. NANCY MARTINEZ (Date of Birth: October 25, 1977) was a passenger. MARTINEZ and SANCHEZ stated that they had lived at the below residence for a few weeks:

Camden Sierra at Otay Ranch
1390 Santa Alicia Avenue, #10208
Chula Vista, CA 91913

71. On March 12, 2008, in response to a subpoena that had previously been issued to MSN Hotmail, for all subscriber information and computer logs pertaining to the email address pharmavet@hotmail.com, SA Huff learned that an individual successfully logged into the email account pharmavet@hotmail.com, using the Internet Protocol (IP) Address 72.220.40.129 on the following dates:

3/1/2008 4:04:24 PM (PST)

3/4/2008 11:59:39 PM (PST)

3/5/2008 11:03:50 AM (PST)

3/5/2008 11:58:55 AM (PST)

3/7/2008 11:09:01 AM (PST)

3/10/2008 12:06:06 AM (PDT)

3/10/2008 10:54:04 AM (PDT)

3/10/2008 1:18:11 PM (PDT)

3/10/2008 2:12:00 PM (PDT)

3/11/2008 11:28:45 AM (PDT)

3/11/2008 3:58:15 PM (PDT)

3/11/2008 8:04:23 PM (PDT)

72. On March 26, 2008, SA Huff received information in response to a subpoena issued to Cox Communications Inc., which revealed that for the above 12 dates, the IP Address 72.220.40.129 was leased to Kristen Tarantino, and the internet connection terminated at 1390 Santa Alicia Avenue, #10307, Chula Vista, CA 91913. Apartment 10307 is almost directly above apartment 10208 (the apartment shared by Jorge Rodriguez and Nancy Martinez).

73. The Cox Communication subpoena also listed Nancy Martinez as the subscriber for Cable Television service at 1390 Santa Alicia Avenue, Apt. 10208, Chula Vista, CA. Cox does not provide internet access to Martinez at this address.

74. On March 27, 2008, FBI SAs Adam Pranter and Mark Kolenda, using a laptop loaded with a software program called iStumbler, determined that there were four open wireless internet connections in the vicinity of 1390 Santa Alicia Avenue, Apts.

10208 and 10307.

75. Piggybacking occurs when one person uses another's open internet connection to access the internet without that person's permission. In order for piggybacking to occur, first one individual must have an internet connection to which a wireless router is connected. The wireless router's security settings must be set such that the router does not require a user name and password to connect. A second individual, usually residing in a nearby residence, such as in an apartment complex or neighborhood, then brings his/her computer, equipped with a wireless network card, into range of the wireless router and uses the router to connect to the internet. A computer that is within approximately 120 feet of a wireless router can use it to connect to the internet. I therefore have reason to believe that Jorge Rodriguez is using the internet connection of Apartment 10307 to connect to the internet using the email address pharmavet.com.

76. On March 26, 2008, Jorge Alan Rodriguez Sanchez crossed into the United States from Mexico at the San Ysidro Port. At the time of the crossing, Sanchez was in a 2004 Nissan bearing California license plate 5KXP850. On March 27, 2008, SA Kolenda observed this vehicle parked in front of the complex at 1390 Santa Alicia Avenue, Chula Vista, CA 91913.

77. On April 8, 2008, a cooperating source, using the email account mark.stewart93@yahoo.com, sent an email to pharmavet@hotmail.com requesting

information about purchasing Ritalin. On April 9, 2008, Pharmavet responded stating that 120 tablets of Ritalin 10 mg could be purchased for $180 plus 15 % for shipping.

JASON HUFF
Special Agent
Federal Bureau of Investigation

Sworn to and subscribed before me this

28th day of April, 2008.

BY THE COURT:

HONORABLE PETER B. SCUDERI
United States Magistrate Judge